

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
DIVISION 2 : CHARLESTON  
*ELECTRONICALLY FILED***

**STATE OF WEST VIRGINIA, ex rel.  
DARRELL V. McGRAW, JR.,  
Attorney General,**

**Plaintiff/Petitioner**

**v.**

**LIBERTY MUTUAL INSURANCE COMPANY,  
a Massachusetts corporation; and,  
GREG CHANDLER'S FRAME & BODY, LLC  
a West Virginia limited liability corporation,**

**Defendants/Respondents**

**CASE NO. 2:12-cv-00046**

**Removed from the Circuit Court of  
Kanawaha County, Case No. 11-C-  
2231**

**NOTICE OF REMOVAL**

COMES NOW the Defendants/Respondents, Liberty Mutual Insurance Company ("Liberty Mutual), by and through its counsel, Clarence E. Martin, III, and Martin and Seibert, L.C. and Greg Chandler's Frame & Body, LLC ("Chandler"), by and through his counsel, Clarence E. Martin, III, and Martin and Seibert, L.C., and R. Michael Shaw and Shaw and Tatterson Law, and pursuant to 28 USC § 1331 and 28 USC § 1441(a) and 28 USC § 1446(b), hereby gives notice of the removal of the pending action from the Circuit Court of Kanawha County, West Virginia, bearing Civil Action No. 11-C-2231. In support of their removal of the underlying action, the Defendants/Respondents do state as follows:

1. On or about December 15, 2011, the Plaintiff/Petitioner, the State of West Virginia, ex rel., Darrell V. McGraw, Jr., Attorney General, ("WVAG") filed its Complaint and Petition for Temporary and Permanent Injunction ("Complaint and Petition") in this action in the Circuit Court of Kanawha County, West Virginia, Civil Action No. 11-C-2231, seeking temporary and permanent

relief as a result of alleged violations of West Virginia's Automotive Crash Parts Act, W.Va. Code §46A-6B-1, *et seq.*

2. Despite the fact that the Defendants/Respondents had yet to receive formal notice of the Complaint and Petition, on December 16, 2011, the WVAG filed a Notice of Hearing with respect to its Petition for Temporary and Preliminary Injunction which specified that a hearing was scheduled for January 12, 2012, at 2:00 p.m. in the Kanawha County Circuit Court.

3. The WVAG is an agency of the State of West Virginia.

4. The Defendant/Respondent Liberty Mutual is a Massachusetts corporation, and has its principal place of business in Boston, Massachusetts.

5. The Defendant/Respondent Chandler is a West Virginia limited liability company, and has its principal place of business in St. Albans, West Virginia.

6. The right to relief sought by the WVAG in its Complaint and Petition raises and depends on the resolution of a substantial question of federal law as the WVAG's right to relief will ultimately be resolved by the application and interpretation of the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301, *et seq.*

7. Since the WVAG's Complaint and Petition raises a federal question, this Court has original jurisdiction over this action under 28 U.S.C. §1331, and the Respondents/Defendants are also entitled to remove the same to this Court pursuant to 28 U.S.C. §1441(a).

8. Pursuant to 28 U.S.C. 1446(a), copies of the Summons and Complaint, Notice of Hearing and the WVAG's Memorandum of Law in Support of Complaint and Petition for Preliminary Injunction are attached hereto as Exhibit "A".

9. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served on the WVAG and filed with the Clerk of the Circuit Court of Kanawha County, West Virginia. A copy of the Notice of Filing of Notice of Removal that is being filed with the Clerk of the Circuit Court of Kanawha County is attached hereto as Exhibit “B.”

**LIBERTY MUTUAL INSURANCE COMPANY,  
a Massachusetts corporation; and,  
GREG CHANDLER’S FRAME & BODY, LLC  
a West Virginia limited liability corporation  
BY COUNSEL**

**MARTIN & SEIBERT, L.C.**

/s/ Clarence E. Martin, III  
Clarence E. Martin, III  
W.Va. State Bar No. 2334  
P.O. Box 1286  
1164 Winchester Avenue  
Martinsburg, WV 25401  
Telephone: (304) 267-8985  
Facsimile: (304) 267-0731  
Email: [cemartin@martinandseibert.com](mailto:cemartin@martinandseibert.com)  
*Counsel for Liberty Mutual Insurance Company and  
Greg Chandler Frame & Body, LLC.*

**SHAW AND TATTERSON LAW**

/s/ R. Michael Shaw  
R. Michael Shaw  
W.Va. State Bar No. 3354  
P.O. Box 3  
610 Main Street  
Point Pleasant, WV 25550  
Telephone: (304) 675-5191  
Facsimile: (304) 675-2654  
Email: [shawlaw@suddenlinkmail.com](mailto:shawlaw@suddenlinkmail.com)  
*Counsel for Greg Chandler Frame & Body, LLC.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day of January, 2012, I electronically filed the foregoing document using the CM/ECF system. I also hereby certify that a copy of the foregoing document was served by electronic mail and overnight delivery, on this 10<sup>th</sup> day of January, 2012 upon:

Jill Miles, Esq.  
Office of the West Virginia Attorney General  
812 Quarrier Street  
P.O. Box 1789  
Charleston, WV 25326-1789  
*Counsel for State of West Virginia, ex rel.*  
*Darrell v. McGraw, Jr., Attorney General*

/s/ Clarence E. Martin, III  
Clarence E. Martin, III  
*Counsel for Defendants/Respondents, Liberty Mutual*  
*Insurance Company and Greg Chandler's Frame &*  
*Body, LLC*